

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 01-455-A
	)	
ZACARIAS MOUSSAOUI	)	<b>UNDER SEAL</b>
a/k/a "Shaqil,"	)	
a/k/a "Abu Khalid	)	
al Sahrawi,"	)	
	)	
Defendant.	)	

ORDER

In his "Emergency Motion for Proper Reconsideration of Leonie Denial [sic] Access to Brother Mohammed [sic] Alibi Statements and Mustafa" (Docket #803) the pro se defendant reiterates his request for immediate discovery of statements made by Khalid Sheikh Mohammed since his capture, claiming that such statements "are crucial to destroy the United Satan position that [Moussaoui] can be trial [sic] without Ramzi testimony." Mr. Moussaoui also seeks immediate production of statements made by Mustafa Ahmed al-Hawsawi, who he contends would establish "the relation with Ramzi and destroy the United Sadom theory regarding who and why money was sent to [him]."

As stated in our Orders of March 10 and 28, 2003, although we have stayed resolution of the defendant's pro se motions seeking to compel the trial appearances of Mohammed and al-Hawsawi until the appellate process has run its course, the United States is under a continuing obligation to produce to the defense any statements in its possession which may exculpate the

defendant from the charged offenses or help him avoid a death sentence. In our view, the time-urgency cited by the defendant is related only to his desire to expand the appellate record, which this Court has declined to do. See Fed. R. App. P. 10(e)(2) (permitting the supplementation of the appellate record only if "anything material to either party is omitted from or misstated in the record by error of accident...").<sup>1</sup> Accordingly, the defendant's Emergency Motion for Reconsideration (Docket #803) is DENIED.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel; and the Court Security Officer.

Entered this 1<sup>st</sup> day of April, 2003.

/s/

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Leonie M. Brinkema  
United States District Judge

Alexandria, Virginia

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<sup>1</sup> "All other questions as to the form and content of the record must be presented to the court of appeals." Fed. R. App. P. 10(e)(3).